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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,078	07/02/2001	Chikako Tsuchiyama	ASA-1012	9093
24956 7590 07/25/2007 MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C. 1800 DIAGONAL ROAD SUITE 370 ALEXANDRIA, VA 22314			EXAMINER SHIFERAW, ELENI A	
			ART UNIT 2136	PAPER NUMBER
			MAIL DATE 07/25/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/895,078

Applicant(s)

TSUCHIYAMA ET AL.

Examiner

Eleni A. Shiferaw

Art Unit

2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 26-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 12/20/06

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 26-34 are pending.

***Response to Amendment/Argument***

2. The examiner accepts the amendments for claims 26-28 and 32-34 in view of the examiner's claims objection.
3. The Applicant amends all the independent claims to include not displaying data if the if the current time obtained from said information as to the clock falls beyond the expiration term represented by said information as to the expiration term. The amendment does not place the application in allowance because it is very well known at the time of the invention to by a license that has a time limit to display a data and a license server compare the time limit to provide a display if time limit match and deny access if time limit expires as disclosed in the applied reference Downs et al.. The rejection is herein made final.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. Claims 26-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott et al. USPN 6,338,094 B1 in view of Downs et al. US 6,226,618 B1).

Regarding claims 26, 29, and 32, Scott et al. discloses a method/apparatus/medium comprising:

Art Unit: 2136

a receiving unit for receiving a web page to which an image mark is attached, the image mark embedding electronic watermark information means of electronic watermark techniques (col. 4 lines 31-60 and col. 5 lines 38-49; *user interface device/network computer/set-top box .... web page/display .... banner advertisement link/image mark embedding watermark info.*);

a display unit for displaying **information/multimedia info./TV content** (fig. 2 element 25); and

a control unit for extracting the electronic watermark information embedded in the image mark when recognizing the image mark attached to the web page (col. 5 lines 38-col. 6 lines 15), displaying said image mark on the display of said data terminal, and displaying, on the display of said data terminal (fig. 4 element 69), a menu as to said information that is desired to be disclosed, and if the menu is selected, then displaying said information that is desired to be disclosed embedded in the image mark (col. 7 lines 4-55).

Scoot et al. fails to disclose the electronic watermark information comprising expiration information, and signature information; and decoding signature information using public key, and authenticating based on expiration information, signature information to display data, and controlling to not display said image mark on the display of said data terminal, if a current time obtained from said information as to the clock falls beyond the expiration term represented by said information as to the expiration term.

However, Downs et al. discloses the electronic watermark information including information that is desired to be disclosed by an information exhibitor, information as to an expiration term to be used to control display of said information (**content 113/multimedia data**) that is desired to be disclosed (col. 11 lines 51-52, col. 24 lines 65-col. 25 lines 36, col. 9 lines

Art Unit: 2136

32-38, col. 52 lines 59-67) and information as to electronic signature to be used to conduct verification of authenticity of both said information that is desired to be disclosed and said information as to the expiration term (col. 24 lines 65-col. 25 lines 36 and col. 11 lines 51-52);

a storage unit storing a public key for decoding said information as to electronic signature (col. 34 lines 33-42, and col. 12 lines 37-44; *stored public key to verify digital signature and the well-known content control using digital signature, watermarking, certificate...*);

decoding the information as to electronic signature of the data extracted by using the public key stored in said storage unit (col. 32 lines 43-48, col. 44 lines 9-12, and col. 13 lines 67-col. 14 lines 27; *decoding extracted signature public key stored*), verifying the authenticity of both said information embedded in the image mark, both said information being information that is desired to be disclosed and said information as to the expiration term by using the information as to electronic signature thus decoded (col. 34 lines 39-41, col. 40 lines 65-68, col. 14 lines 38-45, and col. 44 lines 6-41; *verifying content and expiration date of the content*), comparing the information as to the expiration term with information as to a clock of said data terminal (col. 14 lines 19-27, col. 34 lines 55-col. 35, and col. 40 lines 65-68; *authenticating and verifying using expiration date of the content*);

displaying said image mark (*watermarked/embedded content*) on the display of said data terminal if a current time obtained from said information as to the clock falls within said expiration term represented by said information as to the expiration term (col. 21 lines 43-58 and col. 59 lines 55-59; *usage condition/expiration date/term of content is verified first before rendering the desired watermarked content*); and

controlling to not display said image mark on the display of said data terminal, if a current time obtained from said information as to the clock falls beyond the expiration term represented by said information as to the expiration term (see col. 6 lines 65-col. 7 lines 40; that discloses licensing authorization and control so that content is unlocked only by authorized intermediate or End-User(s) that have secured a license; and control and enforcement of content usage according to the conditions of purchase or license, such as permitted number of copies, number of plays, and the *time interval or term* the license may be valid, and see col. 40 lines 54-67, col. 26 lines 6-24, and col. 30 lines 37-38 for SC(s) disclosing expiration time and date and allowing/denying display access based on time/date comparison).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of Downs et al. with in the system of Scott et al. because they are analogous in content distribution and watermarking. One would have been motivated to incorporate the teachings of including the expiration date and signature in the watermark because it is well known at the time of the invention as Downs et al. discloses any kind information can be embedded and/or included in the watermark and it authenticate data based on embedded information. And it would have been obvious at the time of the invention to include term verification for content protection and proper payment.

Regarding claims 27, 30, and 33 Scott et al. further teaches the data display method/apparatus wherein, if it is judged that the authenticity is lower than a predetermined level in said step of verifying authenticity, said image mark is not displayed on this display (col. 8 lines 14-31 and fig. 7).

Regarding claims 28, 31, and 34 Scott et al. further teaches the data display method/apparatus wherein said information that is desired to be disclosed includes information as to a location at which detailed information of said data embedded in said image mark exists (claim 1 and fig. 7).

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shin 7047410 B1 col. 5 lines 40-52 discloses watermark comprising signature information and authentication.

NPL: "Embedding a Seal into a picture under Orthogonal Wavelet Transformation" 1996 IEEE, how to embed a signature seal to a picture.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eleni A. Shiferaw whose telephone number is 571-272-3867.

The examiner can normally be reached on Mon-Fri 8:00am-5:00pm.

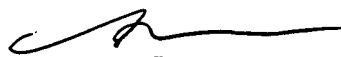
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser R. Moazzami can be reached on (571) 272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



July 20, 2007

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SUPERVISORY PATENT EXAMINER  
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7, 20, 07